

[REDACTED]

Mary Connolly * 2932 Fulton St * San Francisco, CA 94118

January 14, 1998

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RECEIVED
JAN 21 1998
FCC MAIL ROOM

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.- Room 222
Washington, DC 20554

Re: Policy and Rules Concerning the Interstate, Interexchange Marketplace;
Implementation of Section 254 (g) of the Communications Act of 1934, as amended:
CC Docket No. 96-61

Dear Ms. Salas:

On December 4, 1997, the Telecommunications Management Information Systems Coalition and The Utility Reform Network filed a Petition for Further Reconsideration of the Federal Communications Commission's decision to eliminate the requirement for long distance carriers to provide pricing and service information regarding widely available services to the public. I support this Petition.

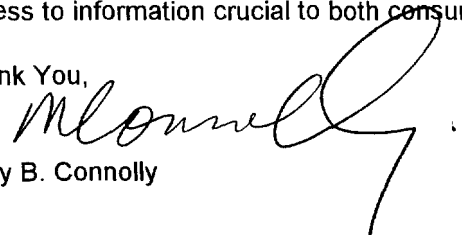
Being a consumer of telecommunications products & services I find it difficult to make an informed decision on which carrier I should choose. I found the Salestar Web Pricer helpful and informative in choosing my long distance carrier. Without public disclosure, services like this would disappear.

As a consumer of long distance services, I rely on publicly available pricing information in order to make informed decisions about the telecommunications services I need. I feel that the only way to ensure that I have access to all the plans that a carrier has, as opposed to the particular plan that a carrier happens to be promoting at a particular time, is through an FCC-mandated public disclosure requirement. Without this mandate, I will be at the mercy of their marketing campaigns and only privy to the information they choose to provide.

The Commission suggests that billing will be available to serve the informational needs of consumers. I will only see the bills of plans that I sign up for and not for plans that are being marketed at me over the phone or that exist that no one is telling me about. How can I comparison shop? Also, how will I know if there is a billing error if I do not first have detailed information about the plan. I have encountered gross billing errors regularly from ATT where they promised me one particular rate to Canada and then billed another. It took them months to finally get a correct bill to me. In this situation, I have no idea what my interstate or interlata rates even were so I don't know if they were correct or not. You get the picture, I hope.

I fully support the Petition and urge the Commission to promptly reinstate the public information disclosure requirement. Only in this way can the Commission ensure that consumers have access to information crucial to both consumer choice and the consumer complaint process.

Thank You,


Mary B. Connolly

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January 15, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

Re: Policy and Rules Concerning the Interstate, Interexchange Marketplace;
Implementation of Section 254 (g) of the Communications Act of 1934, as amended:
CC Docket No. 96-61

Dear Ms. Salas:

On December 4, 1997, the Telecommunications Management Information Systems Coalition and The Utility Reform Network filed a Petition for Further Reconsideration of the Federal Communications Commission's decision to eliminate the requirement for long distance carriers to provide pricing and service information regarding widely available services to the public. I support this Petition.

Being a consumer of telecommunications products & services I find it difficult to make an informed decision on which carrier I should choose. I found that a couple of Consumer Groups give all the information about plans that are offered by various carriers, giving me a chance to make an informed decision. This information is almost always more complete and informative than the customer service lines supplied by the carriers. They usually give me contradicting information and make it harder for me to decide and look if my bill is correct. Without public disclosure services like this would disappear. As a consumer of long distance services, I rely on publicly available pricing information in order to make informed decisions about the telecommunications services I use.

I support the Petition filed by this group, as I read it from the FCC, and urge the Commission to have the public information disclosure requirement for widely available services stay in. Only in this way can the Commission ensure that consumers have access to information crucial to both consumer choice and the consumer complaint process.

Thank You,



The Diveley Family
4605 Parrot Ct.
St. Louis, MO 63128

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Ms. Magalie Roman Salas
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Federal Communications Commission
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*Re: Policy and Rules Considering the Interstate, Interexchange Marketplace;
Implementation of Section 254 (g) of the Communications Act of 1934, as amended: CC Docket No. 96-61*

Dear Ms. Salas:

On December 4, 1997, the Telecommunications Management Information Systems Coalition and the Utility Reform Network filed a petition for Further Reconsideration of the Federal Communications Commission's decision to eliminate the requirement for long distance carriers to provide pricing and service information regarding widely available services to the public. I write to support the Petition.

Currently, I work as a research/analyst for a software company in San Francisco, California. I graduated from the University of Illinois about a year ago, and understandably, I am concerned about "real world" issues; that is to say, where can I save some money, or where can I get more value from the money I earn. I found a good way to meet these goals is to truly know what I am paying for long distance rates and services, especially since I call back home to Chicago often.

But sometimes it proves itself extremely difficult to get a straight answer from these carriers that advertise astounding savings if you use their services! I once called a telemarketing representative of one of these carriers to inquire about one of their marketed plans that I had seen on television. After the representative first tried to sell me something (I mentioned I was merely curious about the details of the plan), he became almost obstructionist and quite unhelpful when I asked him questions. In fact, when I asked him about the calling card surcharge of the plan, he mentioned you only have to pay the charge once - that it was nonrecurring. It is well known, I am sure, that a surcharge implies that one pays it each time the service is rendered. Clearly this representative disclosed false information.

The next time I called, the new representative gave me a different answer to the same question!

I also read somewhere that in many cases, the bill a customer receives from a carrier for his long distance is incorrect - One may think they are paying ten cents per minute, but is getting charged more anyway! How will we know unless there is official reference to find these rates?

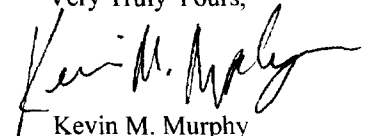
I think it is quite clear that without some sort of public disclosure, it will prove almost impossible to find out what consumers are paying for long distance. Even if some information is proffered, its credibility is uncertain at best.

The goal of the Telecommunications Act of 1996 is to foster competition for the benefit of consumers and businesses across the nation; how will we know if we are receiving these benefits if we do not know, or cannot find, these rates?

I therefore fully support the Petition and urge the Commission to promptly reinstate the public information disclosure requirement for widely available services. only in this way can the Commission ensure that consumers have access to information crucial to both consumer choice and the consumer complaint process.

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Very Truly Yours,


Kevin M. Murphy

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Re: Policy and Rules Concerning the Interstate, Interexchange Marketplace;
Implementation of Section 254 (g) of the Communications Act of 1934, as amended: CC Docket No. 96-61

Dear Ms. Salas:


I recently viewed a letter of petition that was sent to the FCC regarding the decision to eliminate the requirement for long distance carriers to provide pricing and service information to the public through tariffs or public available sources. I support a petition that has been sent to you from the Telecommunications Management Information Systems Coalition.

I am one of many consumers who tracks my expenses and I have called my long distance and local phone company on numerous occasions, questioning their charges. On several occasions (when I had changed long distance carrier or signed up for a new calling plan), the carriers charges were incorrect and I was credited the difference. I would hate to have to rely on advertising alone to find out the intended rates for my phone service. Public disclosure of phone company's rates, in an easily accessible format is a must.

I rely on this information to make an informed decision, when you take this away, I will be left to make numerous phone calls to find out about the plans.

I fully support the above mentioned Petition and am a consumer and business owner who is grateful for public disclosure of Telecom rates, as this has helped me in my Telecom choice and understanding what I am being charged for.

Thank You,


Christopher Hugh
279 Arkansas St
San Francisco
CA 94107

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Ms. Magalie Roman Salas
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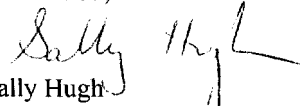
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Thank You,


Sally Hugh
3755 Fillmore St, #3
San Francisco, CA 94123

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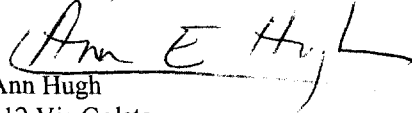
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Thank You,


Ann Hugh
112 Via Goleta
Palos Verdes Est
CA 90274

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1919 M Street, N.W.- Room 222
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Thank You,


Elizabeth Biska
Oxnard, CA

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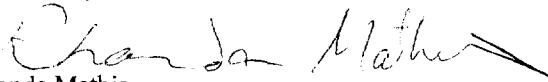
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Thank You,


Rhonda Mathis
San Francisco, CA

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Ms. Magalie Roman Salas
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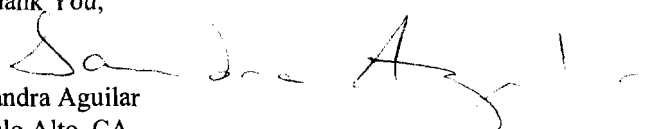
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Thank You,


Sandra Aguilar
Palo Alto, CA

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THE STATE OF NEW HAMPSHIRE

CONSUMER ADVOCATE
MICHAEL W. HOLMES



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ASSISTANT CONSUMER ADVOCATE
JAMES R. M. ANDERSON

OFFICE OF THE CONSUMER ADVOCATE
117 MANCHESTER STREET
CONCORD, NEW HAMPSHIRE 03301-5141

(603) 271-1172
TDD ACCESS: RELAY NH 1-800-735-2964
FAX (603) 271-1177

January 19, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, DC 20554

RE: Policy and Rules Concerning the Interstate, Interexchange Marketplace;
Implementation of Section 254(g) of the Communications Act of 1934,
as amended; CC Docket No. 96-61

Dear Ms. Salas:

This letter is being submitted on behalf of the New Hampshire Office of the Consumer Advocate. Our office is a New Hampshire state agency established to represent the interests of residential utility consumers in any proceeding that may affect those interests.

On December 4, 1997, the Telecommunications Management Information Systems Coalition and The Utility reform Network filed a Petition for Further reconsideration of the federal Communications Commission's decision to eliminate the requirement for long distance carriers to provide pricing and service information regarding widely available services to the public. The New Hampshire Office of the Consumer Advocate supports this petition.

In October 1966, the FCC adopted rules that no longer required long distance carriers to file tariffs for domestic long distance service with the FCC. At the same time, the FCC noted that consumers would continue to need information about the prices, terms and conditions of long distance service. As a result, the FCC required carriers to make such information available to the public. In August 1997, the FCC changed its position and eliminated the public disclosure requirement for mass market services even though no party apparently had requested that such a change be made. Despite the FCC's elimination of the information disclosure requirement, a strong need for publicly available information regarding long distance services remains.

A number of residential users of long distance services in all likelihood utilize publicly available



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Ms. Magalie Roman Salas

January 19, 1998

Page 2

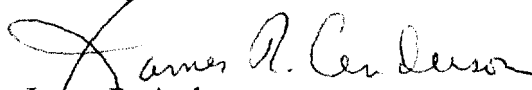
pricing information in order to make informed decisions about the telecommunications services they need. The FCC itself recognized in its October 1996 order that a public disclosure requirement promotes the public interest by making it easier for consumers to compare service offerings. Thousands of long distance calling plans and services are now available to the public. If consumers are to be able to make any meaningful distinction between these plans, they must have access to detailed and accurate information regarding the plans. The only way to ensure that consumers have access to the plans that they are interested in, as opposed to the particular plan that a carrier happens to be promoting at a particular time, is through an FCC mandated public disclosure requirement. The FCC should not deny consumers access to this important information.

Consumers need pricing information that is publicly available at a central location. For instance, the antitrust laws are still applicable in this country. Consumers need publicly available pricing information to determine if sales representatives of long distance carriers may be misrepresenting their prices as to the various services they are promoting. They also may need publicly available pricing information to determine if impermissible price discrimination is taking place. Of course, resellers of long distance services need such publicly available information to determine if predatory pricing is taking place.

The FCC suggests that billing and other advertising and promotional materials will be available to serve the informational needs of consumers. This may not be entirely true. First, billing information, by definition, is only available to a carrier's existing customers, and therefore, is unavailable to new customers who are comparison shopping and trying to decide between carriers and services. Second, the advertising and promotional materials provided by carriers are rarely detailed enough to enable a customer to make service-to-service and carrier-to-carrier comparisons. Moreover, these materials certainly will not be specific enough to allow consumers to detect - let alone support - a claim of carrier misconduct at the FCC. In short, the information available publicly without a specific FCC requirement will fall far short of meeting the needs of consumers.

The New Hampshire Office of the Consumer Advocate supports the Petition and urges the FCC to promptly reinstate the public information disclosure requirement for widely available services. Only in this way can the FCC ensure that consumers have access to information crucial to both consumer choice and the consumer complaint process.

Sincerely,


James R. Anderson
Assistant Consumer Advocate

December 17, 1997

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.- Room 222
Washington, DC 20554

Re: Policy and Rules Concerning the Interstate, Interexchange Marketplace;
Implementation of Section 254 (g) of the Communications Act of 1934, as
amended: CC Docket No. 96-61

Dear Ms. Salas:

On December 4, 1997, the Telecommunications Management Information Systems Coalition and The Utility Reform Network filed a Petition for Further Reconsideration of the Federal Communications Commission's decision to eliminate the requirement for long distance carriers to provide pricing and service information regarding widely available services to the public. I am writing to support the Petition.

I am a residential customer and use the tariff information to save valuable dollars on my long distance service. With constant barrage of long distance carrier commercials and solicitations to my home, it is difficult to decipher the best calling plan for myself without the use of the tariffs information.

In October 1996, the FCC adopted rules that prohibit long distance carriers from filing their tariffs for domestic long distance service with the FCC. At the same time, the Commission noted that consumers continue to need information about the rates, terms and conditions of long distance service. As a result, the FCC required carriers to make such information available to the public. In August 1997, the Commission inexplicably changed its position and eliminated the public disclosure requirement for mass market services even though no party requested such a change. Despite the FCC's elimination of the information disclosure requirement, a strong need for publicly available information regarding long distance services remains.

Consumers of long distance services, both residential and small business, rely on publicly available pricing information in order to make informed decisions about the telecommunications services they need. As even the FCC recognized in its October 1996 order, a public disclosure requirement promotes the public interest by making it easier for consumers to compare service offerings. Thousands of long distance calling plans and services are now available to the public. If consumers are to be able to make any meaningful distinctions between these plans, they must have access to detailed and accurate information regarding the plans. The only way to ensure that consumers have access to the plans that they are interested in, as opposed to the particular plan that a carrier happens to be promoting at a

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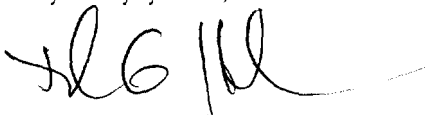
particular time, is through an FCC-mandated public disclosure requirement. The FCC should not deny consumers access to this important information.

Consumers traditionally have served as the FCC's watchdogs over certain practices of the long distance industry. For example, the Communications Act prohibits carriers from charging consumers in rural and other high-cost areas higher rates than those charged to consumers in urban and other lower-cost areas. Absent the public availability of pricing information, however, consumers will be hard pressed to detect such impermissible price discrimination in the first instance. Moreover, even if consumers are able to determine that a violation has occurred, it will be difficult, if not impossible, to adequately support their complaints to the FCC.

The Commission suggests that billing and other advertising and promotional materials will be available to serve the informational needs of consumers. This is far from true. First, billing information, by definition, is only available to a carrier's existing customers and therefore is unavailable to new customers who are comparison shopping and trying to decide between carriers and services. Second, the advertising and promotional materials provided by carriers are rarely detailed enough to enable a customer to make service-to-service and carrier-to-carrier comparisons. Moreover, these materials certainly will not be specific enough to allow consumers to detect--let alone support--a claim of carrier misconduct at the FCC. In short, the information available publicly without a specific Commission requirement will fall far short to meeting consumers' need.

I thus fully supports the Petition and urges the Commission to promptly reinstate the public information disclosure requirement for widely available services. Only in this way can the Commission ensure that consumers have access to information crucial to both consumer choice and the consumer complaint process.

Very truly yours,

A handwritten signature in black ink, appearing to read "JG Hughes", with a long horizontal line extending to the right.

Joshua G. Hughes
730 Leavenworth #4
San Francisco, CA 94109

January 14, 1998

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Ms. Magalie Roman Salas
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Dear Ms. Salas:

On December 4, 1997, the Telecommunications Management Information Systems Coalition and The Utility Reform Network filed a Petition for Further Reconsideration of the Federal Communications Commission's decision to eliminate the requirement for long distance carriers to provide pricing and service information regarding widely available services to the public. Felina Lingerie writes to support the Petition.

As a manufacturing establishment based in Chatsworth, CA, we accept and make a large amount of calls. When we were getting ready to expand our company, we did extensive research into what plans were available in our area and what carriers would give us the best deal. When we called to talk with the representatives of the carriers we were told about the plans they had available and made our decision based off of this information. When our bill came, I noticed inconsistencies compared to what they said as well as mis-billing. I then went and looked at their rate sheets that they had in their office and found out that I was right. I don't know what I would have done if this was not available to me. By reading the fine print, I was able to find an even better plan, which in turn lowers my overhead and allows me to not raise my prices for my customers, and therefore, their customers will pay less.

In October 1996, the FCC adopted rules that prohibit long distance carriers from filing their tariffs for domestic long distance service with the FCC. At the same time, the Commission noted that consumers continue to need information about the rates, terms and conditions of long distance service. As a result, the FCC required carriers to make such information available to the public. In August 1997, the Commission inexplicably changed its position and eliminated the public disclosure requirement for mass market services even though no party requested such a change. Despite the FCC's elimination of the information disclosure requirement, a strong need for publicly available information regarding long distance services remains.

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Felina Lingerie thus fully supports the Petition and urges the Commission to promptly re-instate the public information disclosure requirement for widely available services. Only in this way can the Commission ensure that consumers have access to information crucial to both consumer choice and the consumer complaint process.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'W. Mrasek', followed by a long, sweeping horizontal line that extends to the right.

Willy Mrasek
V.P. Administration
20120 Plummer Street
Chatsworth, CA 93311

January 16, 1998
Mercer Management Consulting, Inc.
Three Embarcadero Center, Suite 1670, San Francisco CA 94111

Ms. Magalie Roman Salas
415 274 3330 Secretary
Fax 415 672 9513
Federal Communications Commission
1919 M Street, N.W.- Room 222
Washington, DC 20554

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difficult to make an informed decision on which carrier I should
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in
choosing my long distance carrier. Without public disclosure
services
like this would disappear.

In October 1996, the FCC adopted rules that prohibit long distance
carriers from filing their tariffs for domestic long distance
service
with the FCC. At the same time, the Commission noted that
consumers
continue to need information about the rates, terms and conditions
of
long distance service. As a result, the FCC required carriers to
make
such information available to the public. In August 1997, the
Commission inexplicably changed its position and eliminated the
public
disclosure requirement for mass
market services even though no party requested such a change.
Despite
the FCC's elimination of the information disclosure requirement, a
strong need for publicly available information regarding long
distance
services remains.

As a consumers of long distance services, I rely on publicly
available

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pricing information in order to make informed decisions about the telecommunications services I need. As even the FCC recognized in its October 1996 order, a public disclosure requirement promotes the public interest by making it easier for consumers to compare service offerings. Thousand of long distance calling plans and services are now available to the public. If consumers are to be able to make any meaningful distinctions between these plans, they must have access to detailed and accurate information regarding the plans. The only way to ensure that consumers have access to the plans that they are interested in, as opposed to the particular plan that a carrier happens to be promoting at a particular time, is through an FCC-mandated public disclosure requirement. The FCC should not deny consumers access to this important information.

Consumers traditionally have served as the FCC's watchdogs over certain practices of the long distance industry. For example, the rural Communications Act prohibits carriers from charging consumers in and other high- cost areas higher rates than those charged to consumers in urban and other lower-cost areas. Absent the public availability of pricing information, however, consumers will be hard pressed to detect such impermissible price discrimination in the first instance. Moreover, even if consumers are able to determine that a violation has occurred, it will be difficult, if not impossible, to adequately support their complaints to the FCC.

The Commission suggests that billing and other advertising and promotional materials will be available to serve the informational needs of consumers. The is far from true. First, billing information, by definition, is only available to a carrier's existing customers and therefore is unavailable to new customers who are comparison shopping and trying to decide between carriers and services. Second, the advertising and promotional materials provided by carriers are rarely detailed enough to enable a customer to make service-to-service and carrier-to-carrier comparisons. Moreover, these materials certainly will not be specific enough to allow consumers to detect--let alone support--a claim of carrier misconduct at the FCC. In short, the information available publicly without a specific Commission requirement will fall far short to meeting consumers' need.

MERCER
Management Consulting

I fully support the Petition and urge the Commission to promptly
reinstate the public information disclosure requirement for widely
available services. Only in this way can the Commission ensure
that consumers have access to information crucial to both consumer
choice and the consumer complaint process.

Thank You,



Diana Keeley

Mercer Management Consulting

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December 17, 1997

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JAN 21 1998

Ms. Magalie Roman Salas
Secretary
FCC MAIL ROOM
Federal Communications Commission
1919 M Street, N.W.- Room 222
Washington, DC 20554

*Re: Policy and Rules Concerning the Interstate, Interexchange Marketplace;
Implementation of Section 254 (g) of the Communications Act of 1934, as amended: CC Docket No. 96-61*

Dear Ms. Salas:

On December 4, 1997, the Telecommunications Management Information Systems Coalition and The Utility Reform Network filed a Petition for Further Reconsideration of the Federal Communications Commission's decision to eliminate the requirement for long distance carriers to provide pricing and service information regarding widely available services to the public. *[Name of entity]* writes to support the Petition.

[Describe entity and provide specific examples of how entity uses/has tried to obtain such information]

In October 1996, the FCC adopted rules that prohibit long distance carriers from filing their tariffs for domestic long distance service with the FCC. At the same time, the Commission noted that consumers continue to need information about the rates, terms and conditions of long distance service. As a result, the FCC required carriers to make such information available to the public. In August 1997, the Commission inexplicably changed its position and eliminated the public disclosure requirement for mass market services even though no party requested such a change. Despite the FCC's elimination of the information disclosure requirement, a strong need for publicly available information regarding long distance services remains.

Consumers of long distance services, both residential and small business, rely on publicly available pricing information in order to make informed decisions about the telecommunications services they need. As even the FCC recognized in its October 1996 order, a public disclosure requirement promotes the public interest by making it easier for consumers to compare service offerings. Thousand of long distance calling plans and services are now available to the public. If consumers are to be able to make any meaningful distinctions between these plans, they must have access to detailed and accurate information regarding the plans. The only way to ensure that consumers have access to the plans that they are interested in, as opposed to the particular plan that a carrier happens to be promoting at a particular time, is through an FCC-mandated public disclosure requirement. The FCC should not deny consumers access to this important information.

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[Entity] thus fully supports the Petition and urges the Commission to promptly reinstate the public information disclosure requirement for widely available services. Only in this way can the Commission ensure that consumers have access to information crucial to both consumer choice and the consumer complaint process.

Very truly yours,

[Name and Address]

Marilee McGregor
313 Prospect Dr.
San Rafael, CA 94901

Please contact **Kimberly Sierk at (415) 356-2188** if you are interested in submitting a brief letter to the FCC or would like to receive more information on this important issue.

[Home Page](#)

I do not want to re-type this. I downloaded. I am outraged. What are you doing about it?

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JAN 21 1998
FCC MAIL ROOM

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DOCKET FILE COPY ORIGINAL

17 January, 1998

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
1919 M Street, N.W. - Room 222
Washington, DC 20554

Re: *Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254 (g) of the Communications Act of 1934, as amended:*
CC Docket No. 96-61

Dear Ms. Salas:

On December 4, 1997, the Telecommunications Management Information Systems Coalition and The Utility Reform Network filed a Petition for Further Reconsideration of the Federal Communications Commission's decision to eliminate the requirement for long distance carriers to provide pricing and service information regarding widely available services to the public. I write to support the Petition.

For two decades, I have been unable to obtain pricing and service information regarding widely available services to the public from AMERITECH regarding my local service despite many complaints currently pending with the Michigan Public Service Commission. AT&T dropped its "Put it in writing" advertising campaign after one of my inquiries about providing price information to the consumer. MCI, Sprint, and a dozen companies now out of business have hid behind "FCC Tariffs." In light of the *PAYPHONE surcharge* scandal, a consumer must receive pricing information prior to accepting a collect or 800/888 call from a *PAYPHONE* which chooses to implement a \$5.00 per call market rate. Switching IXC's at \$5.00/slam to my LEC just to find the best price is prohibitively expensive for a residential consumer.

In October 1996, the FCC adopted rules that prohibit long distance carriers from filing their tariffs for domestic long distance service with the FCC. At the same time, the Commission noted that consumers continue to need information about the rates, terms and conditions of long distance service. As a result, the FCC required carriers to make such information available to the public. In August 1997, the Commission inexplicably changed its position and eliminated the public disclosure requirement for mass market services even though no party requested such a change. Despite the FCC's elimination of the information disclosure requirement, a strong need for publicly available information regarding long distance services remains.

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Robert J. Rucinski

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I thus fully support the Petition and urge the Commission to promptly reinstate the public information disclosure requirement for widely available services. Only in this way can the Commission ensure that consumers have access to information crucial to both consumer choice and the consumer complaint process.

Very truly yours,



Attachment: TMISC, 12/4/97, 4 pages

xc: TMISC, w/attachment

ATTACHMENT
TO LETTER DATED 1A

JAN 17 1998

PAGE 3 6

1479 SECTION 1479
DETROIT

JAN 17 1998

PAGE 3 b

1479 SEASIDE
DETROIT

Pursuant to Section 1.429 of the Commission's rules, 47 C.F.R. §1.429, the Telecommunications Management Information Systems Coalition (the "Coalition")¹ and The Utility Reform Network ("TURN")² (collectively "Petitioners") hereby submit this Petition for Further Reconsideration ("Petition") of the Commission's Order on Reconsideration released in the above-captioned proceeding on August 20, 1997 ("Reconsideration Order"). Petitioners seek limited reconsideration of the Commission's sua sponte decision to eliminate the public information disclosure requirements for domestic, interstate, interexchange mass market services.

In its Second Report and Order in the above-captioned proceeding released on October 31, 1996 ("Second Report and Order"), the Commission adopted mandatory detariffing for domestic, interstate, interexchange services, but imposed a requirement that long distance carriers provide pricing and service information regarding these services to the public upon request. Subsequently, in response to a petition for reconsideration requesting only that the Commission eliminate the information disclosure requirement for individually negotiated service arrangements, the Commission eliminated not only that aspect of the information disclosure requirement, but on its own motion also eliminated the information disclosure requirement for mass market services -- even though no party sought reconsideration of this issue.

Petitioners seek reconsideration of the Commission's decision to eliminate the public information disclosure requirement for mass market services on three grounds. First, the Commission's decision in the Reconsideration Order to eliminate the information disclosure requirement for mass market services is contrary to the public interest because it will deprive U.S. consumers, particularly small- to medium-sized businesses and residential customers, of access to critical information in making their telecommunications carrier and service selections. Second, the elimination of the public disclosure requirement is arbitrary and capricious because it will impede the Commission's ability to enforce the geographic rate averaging and rate integration provisions of Section 254(g). This complete reversal, accompanied by no explanation and no new evidence in the record to support such a change, is inherently arbitrary and capricious. Third, the Reconsideration Order is arbitrary and capricious because, contrary to the Commission's belief, *it will do nothing to reduce the risk of tacit price coordination -- if such a risk even exists.*

A. Absent An Information Disclosure Requirement, Consumers Cannot Obtain Adequate Price Information Essential To Making Informed Decisions Regarding Their Long Distance Carriers

As the Commission correctly acknowledged in its Second Report and Order, "a public disclosure requirement would promote the public interest by making it easier for consumers, including resellers, to compare service offerings and to bring complaints." The Commission, on its own motion, inexplicably abandoned this information disclosure requirement, even though the need for publicly available information regarding interstate long distance services remains.

As the Coalition explained in its initial comments in this proceeding, the public availability of rate information is crucial for customers who are trying to make informed decisions about their long distance services providers in the increasingly competitive and complex interexchange marketplace. There are hundreds of long distance carriers which, in turn, offer hundreds, if not thousands, of complex and customized services and plans. In order for residential and business customers to make informed choices among the myriad of providers, they must be afforded access to detailed and accurate pricing information.

Salestar, one of the Coalition members, recently commissioned a telephone survey of over 1,000 randomly selected individuals nationwide to assess their views on the FCC's decision to eliminate the information disclosure requirement. Survey participants were presented with the following question:

Recently, the FCC decided phone companies no longer have to provide pricing and service information to the public for long distance service, which will deprive US consumers and small to medium businesses access to critical information for making their phone carrier and service selections.

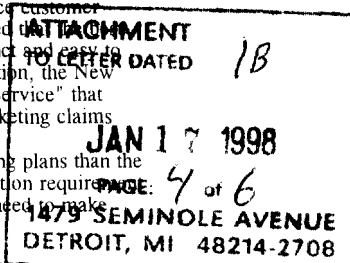
Are you in favor of, or do you oppose, the federal government's decision which would have the effect of denying you the right to readily access competitive telephone rate and plan information.

Of the 1004 participants surveyed, 85 percent opposed the Commission's decision, 6 percent favored it and 8 percent did not know. These results were roughly consistent along gender, age, racial, household income and educational lines. Clearly, the results of this survey demonstrate that consumers want access to more information, not less.

Studies of consumers of other public utilities, such as the electric industry, also have demonstrated consumer need for public information regarding price, terms and conditions of service. In March 1997, the public utility commissioners of six New England states, through the New England Information Disclosure Project ("New England Project"), initiated a comprehensive effort to determine "whether and how uniform consumer information disclosure for the retail sale of electricity might be developed for use throughout the region."

The New England Project identified three goals to be achieved by information disclosure: (1) to allow customers to make the choices they wish to make and thereby achieve customer-preferred outcomes; (2) to enhance customer protection; and (3) to make the electricity market more efficient. The New England Project concluded that the way to achieve these information goals was through the use of a standardized form containing succinct and easy to understand information regarding price, contract terms, supply mix, emissions and tracking. In addition, the New England Project recommended that carriers provide customers with a document entitled "Terms of Service" that would contain detailed information on prices, contract terms, consumer rights, substantiation of marketing claims and environmental impact issues.

The interstate, interexchange service market, with many more competitors with more complex pricing plans than the electric industry, has an even more crucial need for this information. The elimination of the information requirement for mass market services will deprive consumers of the accurate and detailed information that they need to make informed decisions about their long distance services.



2. Absent A Public Information Disclosure Requirement, Obtaining Accurate And Detailed Information From Interstate Carriers Will Be Impossible

Salestar also conducted an informal study (in addition to the nationwide survey discussed above) using a number of its telecommunications analysts to determine the degree of difficulty in obtaining directly from a number of long distance carriers sufficient information regarding pricing, terms and conditions to enable Salestar's customers to make informed choices among available service plans. The study also sought to ascertain the level of research necessary to acquire the desired information as well as to identify the obstacles associated with the collection of information.

Overall, Salestar's analysts found it very difficult to obtain detailed and accurate pricing information directly from long distance carriers without reference to tariffs. With very few exceptions, the analysts were only able to obtain price and term information about a carrier's long distance plans after making multiple telephone calls and sending multiple e-mails to a variety of different departments at each carrier. When analysts finally were able to connect with the knowledgeable individuals, the information provided was generally cursory and few analysts were able to obtain written documentation to confirm information provided verbally. Some analysts' requests for more detailed information were met by referral to the carrier's tariffs. Other analysts were told that more detailed information was considered proprietary. On multiple occasions, analysts were given conflicting information for identical calling plans.

Information regarding some services, such as basic message toll service for business use, was virtually impossible to obtain. Most carriers demanded a substantial amount of very specific information to rate a call.

These difficulties in obtaining information directly from carriers were encountered by experienced telecommunications analysts trained to obtain such information. Individual consumers, and even small businesses, are not as sophisticated in their knowledge of telecommunications pricing and cannot possibly afford to expend the effort or the resources to ferret out such information. Consumers can only expect to experience increasing difficulty obtaining information in light of the FCC's decision to eliminate the information disclosure requirement for mass market services.

B. Absent An Information Disclosure Requirement, The FCC Will Be Unable To Enforce The Rate Integration And Rate Averaging Provisions Of Section 254(g) Of The Communications Act

Section 254(g) of the Communications Act requires that domestic, interstate, interexchange rates be geographically averaged and integrated. Specifically, the rates charged to customers in rural and high cost areas can be no higher than those charged to customers in urban areas. In addition, the rates charged to customers in one state can be no higher than the rates charged to customers in another state. The Commission has recognized the important role that the public can play in bringing violations of Section 254(g) to the Commission's attention. In fact, in Commissioner Ness' dissent to the Reconsideration Order's elimination of the public information disclosure requirement, she notes, "I continue to believe that the public disclosure requirement is a valuable safeguard that promotes the policies of rate integration and rate averaging codified in Section 254(g). . . . Absent the public disclosure requirement, however, consumers will have little, if any, access to the information necessary to support these complaints or even, as an initial matter, to determine when such a complaint might be warranted."

If the Commission intends for members of the public to remain the guardians of the complaint process, it must afford them sufficient information to do so. Elimination of the information disclosure requirement works directly contrary to this goal. The Commission should thus reinstate the information disclosure requirement for mass market services to ensure, as Commissioner Ness aptly states, "a higher level of confidence that rate integration and geographic averaging responsibilities will be met."

III. THE COMMISSION'S DECISION TO ELIMINATE THE INFORMATION DISCLOSURE REQUIREMENT FOR MASS MARKET SERVICES IS ARBITRARY AND CAPRICIOUS

As the courts have made abundantly clear, in order to survive judicial review, Commission action must be based upon "reasoned decisionmaking" supported by a complete factual record. Moreover, before an agency may rescind a regulation, it must explain the "evidence which is available, and must offer a 'rational connection between the facts found and the choice made'".

As part of its reasoned analysis, an agency must examine relevant data and articulate a satisfactory explanation for its action supporting its modification with record evidence. The agency must take a "hard look" at the issues. When an agency changes its course, its analysis must indicate that its prior policies and standards are being deliberately changed, not casually ignored. If it "glosses over or swerves from prior precedents without discussion, it may cross the line from the tolerably terse to the intolerably mute."

In this instance, the Commission failed to adequately explain the basis for or point to any new evidence supporting the total reversal of its decision regarding disclosure of mass market service arrangements. In addition, the Commission failed to make a "rational connection" between the elimination of the information disclosure requirement and the benefits to be achieved from such an elimination. Because the Commission's decision is arbitrary and capricious in both of these regards, it must be reversed.

A. The Commission's Rescission Of An Information Disclosure Requirement For Mass Market Services Without A Reasoned Explanation And No New Record Evidence Is Arbitrary And Capricious

In its Second Report and Order, the Commission clearly acknowledged that "in competitive markets carriers would not necessarily maintain geographically averaged and integrated rates for interstate, domestic, interexchange services as required by Section 254(g)." The Commission thus was "persuaded by the arguments of many parties, including numerous state regulatory commissions and consumer groups, that publicly available information is necessary to ensure that consumers can bring complaints, if necessary, to enforce [the geographic rate averaging and rate integration] requirements." Accordingly, the Commission required "nondominant interexchange carriers to make information on current rates, terms, and conditions for all of their interstate, domestic, interexchange services available to the public in an easy to understand format and in a timely manner."

Despite the Commission's recognition that publicly available information is essential to the public's ability to bring Section 254(g) complaints to the Commission's attention, in its Reconsideration Order, it totally reversed field without adequately explaining how consumers can possibly access information it had previously conceded is essential to the public complaint process. As Commissioner Ness recognizes in her dissent to this portion of the Commission's decision, the information disclosure requirement "provides a ready mechanism for consumers to ascertain whether carriers are in fact complying with their obligations under Section 254(g)."

By contrast, the Commission majority speculated that consumers may access requisite price information through "the billing process, information provided by nondominant interexchange carriers to establish a contractual relationship with their customers, notifications required by service contracts or state consumer protection laws, and advertisements and marketing materials." These information sources also were available when the Commission initially adopted a specific public information disclosure requirement, yet the Commission must have deemed such information insufficient to allow consumers to bring complaints to the Commission's attention. The Commission fails to explain how these sources, standing alone, are now sufficient to support the public complaint process.

The Commission pointed to no new information in the record to support its sua sponte reversal. In fact, the only new information in the record regarding the information disclosure requirement addressed individually negotiated service arrangements, which the Commission acknowledges, are not subject to Section 254(g). Thus the "disclosure of the rates, terms, and conditions of individually-negotiated service arrangements cannot be justified on the basis of the need to enforce section 254(g)." Mass market service arrangements, on the other hand, are subject to Section 254(g). The Commission's reasoning for eliminating the information disclosure requirement with respect to individually negotiated service arrangements cannot, therefore, apply to the elimination of the information disclosure requirement for mass market services.

Moreover, the Commission's contention that carrier certification will provide adequate information for 254(g) enforcement purposes cannot justify its elimination of the information disclosure requirement for mass market services. The Commission fails to explain on reconsideration why it now believes carrier certification sufficiently safeguards Section 254(g)'s requirements when it did not believe such measures were sufficient in the Second Report and Order. Petitioners submit that the Commission was correct the first time when it required information disclosure in addition to a certification requirement.

The Commission has failed adequately to explain the reasons for the reversal of its decision regarding the information disclosure requirement for mass market services. Accordingly, the Commission's decision to eliminate the information disclosure requirement for mass market services is arbitrary and capricious.

B. The Commission's Decision To Eliminate The Information Disclosure Requirement For Mass Market Services Does Not Resolve The Commission's Concerns About Price Coordination And Is Therefore Arbitrary And Capricious

Although the Commission states that the market for interstate, domestic, interexchange services is competitive, it nonetheless (and erroneously) claims that elimination of the information disclosure requirement will benefit consumers by decreasing the risk of tacit price coordination. The Commission's concern about price coordination, however, is fundamentally inconsistent with its statement that the market is competitive. Well-established economic principles hold that in a competitive market (such as that for interstate, interexchange telecommunications service) more information assists the market to function in a more competitive manner. Thus, the Commission's efforts to decrease the amount of available information will do nothing to decrease the (nonexistent) threat of price coordination.

The Antitrust Division of the U.S. Justice Department also has concluded that giving consumers access to accurate pricing information does not increase the risk of tacit collusion between mass market service providers. In a price fixing investigation of eight major airlines and the Airline Tariff Publishing Company ("ATPCO"), a fare clearing house in which each of those airlines had an ownership interest, the Antitrust Division examined whether those airlines had used ATPCO as a means to reach agreements on the prices and terms of fares. Ultimately, the investigation ended when the airlines and ATPCO entered into a consent decree that prohibited them from disseminating pricing information for fares that were not available for sale. Notably, however, the consent decree allowed ATPCO (and the defendant airlines) to continue to disseminate fare information for fares that were actually available for sale. The danger addressed was the airlines' exchange of fares that were not available for sale: not the exchange of fares that were available for sale.

The ATPCO experience demonstrates that the Commission should not be concerned about allowing consumers access to accurate information concerning prices for mass market services. It is highly unlikely that providers of mass market services would use the disclosure of actual pricing information as a vehicle to coordinate prices. Because the pricing information relates to actual prices, the disclosures would not allow, for example, a provider to obtain advance assurance from competitors that they would follow a price increase. On the other hand, the continued disclosure of price information to consumers will allow consumers to obtain the pricing information that they need to make an informed choice for their provider. Discontinuing the requirement that actual rates be disclosed will not solve a tacit collusion problem because it is a problem that does not exist. The elimination of the requirement will, however, make it much more difficult for consumers to shop for the best rate.

Consumers of mass market services -- specifically residential and small- and medium-sized businesses -- need price information for the valid purpose of making informed choices among the vast array of long distance service providers. Unlike the interexchange carriers, these individuals and entities will not have the resources necessary to obtain relevant price information absent an information disclosure requirement. It is precisely these consumers who are harmed by the Commission's elimination of the public disclosure rule, without any cognizable benefit to the competitiveness of the market.

Moreover, any risk of collusive pricing is muted by the fact that Sections 201 and 202 of the Communications Act continue to serve as a deterrent to such behavior. Further, in the unlikely event that any collusive pricing were to occur, the federal and state antitrust laws, upon which the Commission consistently has relied, should be available to remedy any misconduct. The FCC's concerns regarding anticompetitive conduct can therefore be addressed through other means.

Because, in a competitive market, the elimination of the information disclosure requirement will not produce the claimed benefit of reducing the risk of tacit price coordination, the Commission's elimination of the requirement was arbitrary and capricious. The Commission should therefore reinstate the information disclosure requirement with

